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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference BR 18364/N	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IB 03/01523	International filing date (day/month/year) 14.04.2003	Priority date (day/month/year) 14.04.2003
International Patent Classification (IPC) or both national classification and IPC G06K19/07		
Applicant G. HOLDINGS LTD.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
  - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
These annexes consist of a total of 4 sheets.

- This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand 08.11.2004	Date of completion of this report 31.08.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Schauler, M Telephone No. +49 89 2399-7394 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/IB 03/01523**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-14 as originally filed

**Claims, Numbers**

1-14 received on 22.07.2005 with letter of 19.07.2005

**Drawings, Sheets**

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☒ the claims, Nos.: 15
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**see separate sheet**

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	3
	No: Claims	1,2,4-14
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	-

**2. Citations and explanations**

**see separate sheet**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

Reference is made to the following document:

D1: DE 101 46 804 A (PHILIPS CORP INTELLECTUAL PTY) 10 April 2003 (2003-04-10)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 10-14 is not new in the sense of Article 33(2) PCT.

The document D1 discloses a portable electronic device comprising: (the references in parentheses applying to this document):

- an electronic circuit (1) capable of storing data, capable of processing data and capable of data input (from data transceiver 3) and output (to display device 2).
- a control device (9) linked to said electronic circuit (1)
- a user interface (display 2) linked to said electronic circuit (1)
- a data transceiver (3) linked to said electronic circuit (1), said data transceiver being for exchange data between the electronic circuit (1) and an external device via interface (4) and for receiving an activation cue (signal voltage 25, cf paragraph [0058])
- a switching element (26) operatively linked to said electronic circuit, said switching element being in an activated state upon an activation cue (signal voltage 25) having been received by said data transceiver, and being inactive otherwise.
- power means for providing power (cf paragraph [0057])
- if said switching element is activated, data exchange will be initiated through said transceiver for exchanging data (cf Fig 2)
- if said switching element is in inactive state, data will be conveyed to the user interface (cf Fig 3)

Hence, the subject-matter of claims 1 and 10-14 is not new.

The document D1 further discloses:

- the use of a display as user interface device

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- the use of biometric parameters for activation of the device ([0045])
- the control device being a button ([0053])
- the switching element comprising a logical circuit ("switching logic" [0058])

Hence, the subject-matter of claims 2 and 4-9 is not new .

The feature that the data receiver is distinct from the data transmitter and the cue receiver is distinct from the data receiver is not disclosed in D1, but this is only a small constructional change which the skilled person would regard it a normal design option for a data transceiver device.

Therefore, the subject-matter of claim 3 does not involve an inventive step in the sense of Article 33(3) PCT.

**Additional remarks**

- The claims are not drafted in two-part-form (Rule 6.3(b) PCT)
- Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
- The features of the claims 1-14 are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

CLAIMS

1. A portable electronic device, comprising:

- an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output;

5 - a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered;

- a user interface device operatively linked to said electronic circuit;

10 - a data transceiver operatively linked to said electronic circuit, said data transceiver being for exchanging data between said electronic circuit and an external data exchange device, and for receiving a selectively emitted activation cue from a source external to said portable electronic device;

15 - a data conveyance switching element operatively linked to said electronic circuit, said switching element being in an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver;

and

- power means for providing power to said portable electronic device;

wherein upon said control device being selectively triggered to issue said invariable activation command:

20 - if said switching element is in said activated state, a data exchange will be initiated through the instrumentality of said data transceiver for exchanging data between said electronic circuit and an external data exchange device;

25 - if said switching element is in said inactive state, data will be conveyed from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.

2. A portable electronic device as defined in claim 1,  
wherein said user interface device is a display screen.

30 3. A portable electronic device as defined in claim 1,  
wherein said data transceiver comprises a data transmitter, a data receiver distinct from said data transmitter, and a cue receiver distinct from said data receiver.

4. A portable electronic device as defined in claim 1,  
wherein said control device is a biometric parameter detector.
- 5 5. A portable electronic device as defined in claim 4,  
wherein said biometric parameter detector is a fingerprint scanner capable of obtaining a  
fingerprint scan, and whereby said control device is triggered when the fingerprint scan matches  
a fingerprint image pre-saved in said electronic circuit.
- 10 6. A portable electronic device as defined in claim 1,  
wherein said control device is a manually activated button, and whereby said control device is  
triggered when the button is pressed.
- 15 7. A portable electronic device as defined in claim 1,  
wherein said electronic circuit comprises said switching element.
8. A portable electronic device as defined in claim 7,  
wherein said electronic circuit comprises a microchip, and wherein said switching element is a  
series of instructions programmed onto said microchip.
- 20 9. A portable electronic device as defined in claim 1,  
wherein said switching element comprises a logical circuit.
10. A data exchange system comprising :
- 25 - a data exchange device comprising a first electronic circuit, a first data transceiver and a cue  
emitter; and
- a portable electronic device, comprising:
- a second electronic circuit capable of storing data therein, capable of processing  
data, and capable of data input and output;
  - 30 - a control device operatively linked to said second electronic circuit, with an  
invariable activation command being issued when said control device is  
selectively triggered;
  - a user interface device operatively linked to said second electronic circuit;

- a second data transceiver operatively linked to said second electronic circuit;
- a data conveyance switching element operatively linked to said second electronic circuit, said switching element being in an activated state upon an activation cue having been received by said second data transceiver, and being in an inactive state when no activation cue was received by said second data transceiver;

and

- power means for providing power to said portable electronic device;

wherein upon said control device being selectively triggered to issue said invariable activation command:

- if said switching element is in its activated state, a data exchange will occur between said first data transceiver and said second data transceiver, thereby exchanging data between said data exchange device and said portable electronic device;
- if said switching element is in its inactive state, data is forwarded to said user interface device for communicating information to the portable electronic device holder.

11. A portable electronic device comprising:

- an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output;
- a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered;
- first and second data conveyance functions programmed in said electronic circuit;
- a cue receiver for receiving a selectively emitted activation cue from a source external to said portable electronic device; and
- power means, for providing power to said portable electronic device;

wherein upon said control device being selectively triggered to issue said invariable activation command, said electronic circuit will accomplish said first data conveyance function if an activation cue was received by said cue receiver and said second data conveyance function if no cue was received by said cue receiver.

12. A method for data exchange with a portable electronic device of the type comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a control device operatively linked to said circuit, a user interface device operatively linked to said circuit, communication ports operatively linked to said



circuit, a switching element operatively linked to said electronic circuit and being in a default inactive state, and power means for providing power to said portable electronic device, said method comprising the steps of:

- awaiting for an activation cue to be received at a predetermined one of said communication ports;
- if an activation cue is received at one of said communication ports, changing the state of said switching element from its default inactive state to an activated state; and
- selectively triggering said control device to issue an invariable activation command, whereby said method will further comprise one of the two following steps:
  - if said switching element is in its activated state, initiating a data exchange with an external data exchange device through at least one of said communication ports; and
  - if said switching element is in its inactive state, conveying data from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.

13. A method as defined in claim 12,

wherein said activation cue is received at one of said communication ports distinct from another one of said communication ports used for data exchange with the external data exchange device.

14. A method as defined in claim 12,

wherein the additional following step occurs after selectively triggering said control device if said switching element is in said activated state:

- conveying data from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.